

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America  
v.  
1. Clemente Zoeth Morales (2001/US)  
2. Ana Marintia Hernandez (2003/US)

Case No. 7:21-mj-2614

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 16, 2021 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 USC § 952	Illegal Importation of a Controlled Substance / Approximately 5.50 Kilograms of Cocaine a Schedule II Controlled Substance
21 USC § 963	Conspiracy to Illegally Import a Controlled Substance / Approximately 5.50 Kilograms of Cocaine a Schedule II Controlled Substance

This criminal complaint is based on these facts:

See Attachment "A"

United States District Court  
Southern District of Texas  
FILED

DEC 17 2021

Nathan Ochsner, Clerk

☒ Continued on the attached sheet.

Approved for filing by AUSA P. Brostowin

Submitted by reliable electronic means, sworn to  
and attested to telephonically per Fed. R. Cr. 4.1,  
and probable cause found on:

Date:

12/17/21 11:44 A.M.

City and state:

McAllen, Texas/s/ John P. Cardenas

Complainant's signature

John P. Cardenas HSI Special Agent

Printed name and title

[Signature]  
Judge's signatureU.S. Magistrate Judge Juan F. Alanis

Printed name and title

**Attachment "A"**

I, John Cardenas, am a Special Agent of the United States Homeland Security Investigations (HSI) and have knowledge of the following facts. The facts related in this attachment do not reflect the totality of information known to me or other agents/officers, merely the amount needed to establish probable cause. I do not rely upon facts not set forth herein in reaching my conclusion that a complaint should be issued, nor do I request that this Court rely upon any facts not set forth herein in reviewing this attachment in support of the complaint.

1. On December 16, 2021, Homeland Security Investigations in McAllen, Texas, (HSI McAllen) received a request for investigative assistance from the U.S. Customs and Border Protection Office of Field Operations at the Hidalgo Port of Entry (POE) in Hidalgo, Texas. CBP Officers (CBPOs) detained Ana Marintia HERNANDEZ (hereinafter HERNANDEZ) and Clemente Zoeth MORALES (hereinafter MORALES), both citizens of the United States, while attempting to enter the U.S. with approximately 5.50 kilograms of cocaine concealed within the floorboard of the vehicle they were driving. HERNANDEZ was the driver of the aforementioned vehicle while MORALES sat in the passenger seat.
2. During primary inbound inspection, CBPOs obtained a negative oral declaration for fruits, food, alcohol, tobacco, drugs, weapons and currency over \$10,000.00. HERNANDEZ stated she was the owner of the vehicle. CBPOs referred HERNANDEZ and MORALES and the vehicle to secondary inspection for an intensive examination.
3. During a secondary inspection, CBPOs conducted a non-intrusive Z-portal X-ray scan of the vehicle wherein anomalies were observed in the vehicle center hump. CBPOs conducted a canine scan of the vehicle with a positive alert to the odor of controlled substances emanating from the vehicle.
4. A physical search of the vehicle revealed a total of five packages concealed within a compartment in the floorboard of the under the center vehicle hump. CBPOs field tested the substances inside the packages, with a presumptive positive result for the characteristics of cocaine. CBPOs weighed the packages containing suspected cocaine, which weighed approximately 5.50 kilograms on a calibrated scale.
5. HSI Special Agents responded to the Hidalgo POE to assist in the investigation. HSI Special Agents interviewed HERNANDEZ, who stated post Miranda, that she suspected she was transporting some type of controlled substance and was to be paid \$200 USD for crossing the vehicle and dropping it off at a yet to be determined location. HERNANDEZ stated the vehicle had been taken earlier in the week and returned to the residence a day prior to today. HERNANDEZ stated that she and MORALES had previously smuggled drugs into the U.S. from Mexico on at least three (3) other occasions. HERNANDEZ indicated she was unaware of where the final destination for the vehicle would be on this occasion, but in the past had travelled to Dallas, Brownsville, and Louisiana.
6. HSI Special Agents interviewed MORALES who stated post Miranda, that he resides in Mexico with HERNANDEZ. MORALES stated that he knew HERNANDEZ was transporting

cocaine inside the vehicle because HERNANDEZ had informed him. MORALES stated he believed HERNANDEZ was going to be paid approximately \$5,000, as he believed she had been paid that in the past when traveling to Louisiana. MORALES stated that he and HERNANDEZ had previously smuggled drugs into the U.S. from Mexico on at least three (3) other occasions and he had previously assisted with driving the vehicle on the trip to Louisiana. MORALES stated that after crossing he was going to assist HERNANDEZ with delivering the illicit drugs by ensuring that they made it to the destination safely. MORALES indicated that they were taking the vehicle to Houston, Texas to deliver the narcotics.